

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LIVING ASSISTANCE SERVICES,
INC.,

Plaintiff(s),

v.

VISITING ANGELS HOME
HEALTH SERVICES, INC.,

Defendant(s).

CASE NO. CV 12-9002 DSF (JCx)

ORDER RE JURY TRIAL

I. E-FILING REQUIREMENTS

II. DEADLINES:

- A. Adding Parties or Amending Pleadings: 10/21/13;
- B. Discovery Cut-off: 10/21/13;
- C. Expert Witness Exchange Deadline:
Initial: 11/18/13;
Rebuttal: 1/6/14;
Cut-off: 2/10/14;
- D. Motion Hearing Cut-off:
10/21/13;
- E. ADR Cut-off: 11/18/13;
- F. Final Pretrial Conference:
7/21/14 @ 3:00 pm;
- G. Trial Date: 8/5/14 @ 8:30 am (3 day estimate)

III. TRIAL PREPARATION

**IV. CONDUCT OF ATTORNEYS
AND PARTIES**

I

E-FILING REQUIREMENTS

Mandatory paper Chambers copies of all e-filed documents must be delivered to Judge Fischer's box across from the Clerk's office on the first floor of the Roybal Federal Building - by noon on the day after filing. Documents will not be considered until paper Chambers copies are submitted. Attach the NEF to the BACK of the Chambers copy. Chambers copies delivered by Federal Express should not require the signature of the recipient. The Court will not rule on stipulations, ex parte applications, etc. until the mandatory paper Chambers copies have been received.

II

DEADLINES

A. **PARTIES/PLEADINGS**

The Court has established a cut-off date for adding parties or amending pleadings. All motions to add parties or to amend the pleadings must be noticed to be heard on or before the cut-off date. All unserved parties will be dismissed at the time of the pretrial conference pursuant to Local Rule 16-8.1.

B. **DISCOVERY AND DISCOVERY CUT-OFF**

1. **Discovery Cut-off**: The Court has established a cut-off date for discovery, including expert discovery, if applicable. This is not the date by which discovery requests must be served; it is the date by which all discovery, including all hearings on any related motions, is to be completed.

2. **Discovery Disputes**: Counsel are expected to comply with all Local Rules and the Federal Rules of Civil Procedure concerning discovery. Whenever possible, the Court expects counsel to resolve discovery problems among

1 themselves in a courteous, reasonable, and professional manner. The Court
2 expects that counsel will adhere strictly to the Civility and Professionalism
3 Guidelines, which can be found on the Court's website under "Attorney
4 Information> Attorney Admissions."

5 3. Discovery Motions: Any motion challenging the adequacy of discovery
6 responses must be filed, served, and calendared sufficiently in advance of the
7 discovery cut-off date to permit the responses to be obtained before that date, if
8 the motion is granted.

9 4. Depositions: All depositions must commence sufficiently in advance of
10 the discovery cut-off date to permit their completion and to permit the deposing
11 party enough time to bring any discovery motions concerning the deposition
12 before the cut-off date. Given the requirements to "meet and confer," and notice
13 requirements, in most cases a planned motion to compel must be discussed with
14 opposing counsel at least six weeks before the cut-off.

15 5. Written Discovery: All interrogatories, requests for production of
16 documents, and requests for admissions must be served sufficiently in advance of
17 the discovery cut-off date to permit the discovering party enough time to
18 challenge (via motion practice) responses deemed to be deficient.

19 6. Expert Discovery: All disclosures must be made in writing. The parties
20 should begin expert discovery shortly after the initial designation of experts. The
21 final pretrial conference and trial dates will not be continued merely because
22 expert discovery is not completed. Failure to comply with these or any other
23 orders concerning expert discovery may result in the expert being excluded as a
24 witness.

25 C. LAW AND MOTION

26 The Court has established a cut-off date for the hearing of motions. All
27 motions must be noticed so that the hearing takes place on or before the motion
28 cut-off date. Counsel must provide Chambers with conformed Chambers copies

1 of all documents. Chambers copies should not be put in envelopes. Counsel
2 should consult the Court's Standing Order, previously provided, to determine the
3 Court's requirements concerning motions. A copy of the Standing Order is also
4 available on the Court's website at www.cacd.uscourts.gov>Judges' Procedures
5 and Schedules>Hon. Dale S. Fischer.

6 D. FINAL PRETRIAL CONFERENCE

7 1. A final pretrial conference date has been set pursuant to Rule 16 of the
8 Federal Rules of Civil Procedure and Local Rule 16-8. Unless excused for good
9 cause, each party appearing in this action shall be represented at the final pretrial
10 conference by the attorney who is to have charge of the conduct of the trial on
11 behalf of such party. Counsel should be prepared to discuss streamlining the trial,
12 including presentation of testimony by deposition excerpts or summaries, time
13 limits, stipulations as to undisputed facts, and admission of exhibits.

14 2. STRICT COMPLIANCE WITH LOCAL RULE 16 IS REQUIRED.
15 THIS ORDER SETS FORTH SOME DIFFERENT AND SOME ADDITIONAL
16 REQUIREMENTS. THIS COURT DOES NOT EXEMPT *PRO PER* PARTIES
17 FROM THE REQUIREMENTS OF RULE 16. Carefully prepared memoranda of
18 contentions of fact and law, witness lists, a joint exhibit list, and a proposed final
19 pretrial conference order shall be submitted in accordance with the Rules, and the
20 format of the proposed final pretrial conference order shall conform to the format
21 set forth in Appendix A to the Local Rules. Failure of these documents to comply
22 with these requirements may result in the final pretrial conference being taken off-
23 calendar or continued, or in other sanctions.

24 3. The memoranda of contentions of fact and law, witness lists, and the
25 joint exhibit list must be filed not later than 21 days before the final pretrial
26 conference, and the proposed final pretrial conference order is to be lodged not
27 later than 11 days before the final pretrial conference.

28 4. In addition to the requirements of Local Rule 16, the witness lists must

1 include a brief (one or two paragraph) description of the testimony, and a time
 2 estimate for both direct and cross-examination (separately stated). A separate
 3 version of the witness list containing only the names of the witness and a separate
 4 column to insert the dates on which the witness testified, and the joint exhibit list,
 5 must be submitted to the Chambers email box in Word or Word Perfect format.
 6 Mandatory paper Chambers copies must also be submitted.

7 5. Other documents to be filed in preparation for, and issues to be
 8 addressed at, the final pretrial conference are discussed below.

9 E. ALTERNATIVE DISPUTE RESOLUTION (ADR)
 10 PROCEDURES/NOTICE OF SETTLEMENT

11 1. An ADR procedure must be identified in every case pursuant to Local
 12 Rule 16-15, et seq. Counsel must complete an ADR proceeding no later than the
 13 date set by the Court at the scheduling conference. Not to the exclusion of other
 14 procedures, the following are available:

- 15 (a) a settlement conference before the magistrate
 16 judge assigned to the case;
- 17 (b) a mediation before a neutral selected from
 18 the Court Mediation Panel;
- 19 (c) the employment (at the parties' expense) of
 20 a private judge, mediator, or arbitrator.

21 If counsel have received a Notice to Parties of Court-Directed ADR
 22 Program, the parties may choose option (2) or (3) instead, but may not choose
 23 option (1).

24 2. No case will proceed to trial unless all parties, including the principals of
 25 all corporate parties, have appeared personally at an ADR proceeding.

26 3. If settlement is reached, it must be reported immediately to the CRD as
 27 required by Local Rule 16-15.7, regardless of the day or time settlement is
 28 reached. In addition, counsel must immediately send a notification to the
 Chambers email box if a motion or other hearing is set or if trial is scheduled to

1 occur within 30 days.

2 4. In all cases set for jury trial, the parties must notify the Court no later
3 than the Wednesday preceding the Tuesday trial date of any settlement so that the
4 necessary arrangements can be made to schedule a different case for trial or notify
5 the members of the public who would otherwise be reporting for jury duty that
6 their services are not needed on that date.

7 5. Failure to comply with these notification requirements will cause
8 counsel/parties to be charged for the costs related to processing jurors and may
9 result in the imposition of sanctions on counsel for one or more parties, their
10 clients, or both.

11 III

12 ADDITIONAL TRIAL PREPARATION

13 A. MOTIONS IN LIMINE

14
15 All motions *in limine* must be filed at least three weeks before the final
16 pretrial conference, or at such other time ordered by the Court. Counsel are to
17 meet and confer with opposing counsel to determine whether opposing counsel
18 intends to introduce the disputed evidence, etc. and to attempt to reach an
19 agreement that would obviate the motion. Opposition must be filed two weeks
20 before the final pretrial conference, or at such other time ordered by the Court.
21 The Court generally will rule on motions *in limine* at the final pretrial conference.
22 Motions in *limine* should address specific issues (i.e., *not* “to exclude all hearsay,”
23 etc.). Motions *in limine* should not be disguised motions for summary
24 adjudication of issues.
25

26 B. JURY INSTRUCTIONS, SPECIAL VERDICT FORMS, VOIR 27 DIRE, JURY SELECTION

28 1. Fourteen days before the meeting of counsel required by Local Rule 16-

2, plaintiff shall serve plaintiff's proposed jury instructions and verdict/special verdict forms, and defendant shall serve defendant's proposed jury instructions and verdict/special verdict forms. Within ten days each shall serve objections, if any, to the other's instructions and verdict forms. Before or at the Rule 16-2 meeting, counsel are ordered to meet and confer and attempt to come to agreement on the proposed jury instructions and verdict forms.

2. When the Manual of Model Jury Instructions for the Ninth Circuit provides an applicable jury instruction, the parties should submit the most recent version, modified and supplemented to fit the circumstances of this case. Where language appears in brackets, the appropriate language should be selected. All blanks should be completed. Where California law applies, counsel should use the current edition of California Jury Instructions -- Civil ("BAJI" or "CACI"). If neither is applicable, counsel should consult the instructions manuals from other circuits or O'Malley, Grenig & Lee (formerly Devitt, et al.), Federal Jury Practice and Instructions (West Publishing Co., current edition). When submitting other than Ninth Circuit instructions, counsel should be sure that the law on which the instruction is based is the same as Ninth Circuit law (or California law, if applicable) on the subject. Counsel may submit alternatives to the Ninth Circuit model jury instructions, other circuit manuals, or O'Malley, Grenig & Lee instructions only if counsel has a reasoned argument that those instructions do not properly state the law or they are incomplete. Each requested instruction shall (a) cite the authority or source of the instruction, (b) be set forth in full, (c) be on a separate page, (d) be numbered, (e) cover only one subject or principle of law, and (f) not repeat principles of law contained in any other requested instruction.

3. At the time of lodging the proposed final pretrial conference order, counsel shall file with the Court and submit (electronically to the Chambers email box and in paper form) a JOINT set of jury instructions on which there is agreement. All blanks in standard forms should be filled in. The Court expects

1 counsel to agree on the substantial majority of jury instructions, particularly when
2 pattern or model instructions provide a statement of applicable law. If one party
3 fails to comply with the provisions of this section, the other party must file a
4 unilateral set of jury instructions, unless that party wishes to waive jury trial.

5 4. At the same time, each party shall file with the Court and submit
6 (electronically to the Chambers email box and in paper form) its proposed jury
7 instructions that are objected to by any other party. Each disputed instruction
8 must have attached a short (one or two paragraph) statement, including points and
9 authorities in support of the instruction as well as a brief statement, including
10 points and authorities, in support of any objections. A proposed alternative
11 instruction must be provided, if applicable. If the Court believes that there are so
12 many disputed instructions that the trial would be unnecessarily interrupted in
13 order for the Court to resolve disputes, the Court may determine that the matter is
14 not yet ready to be tried, and may order counsel to continue to meet and confer
15 until most of the disputes are resolved.

16 5. Counsel must provide the documents described in paragraphs 3 and 4 to
17 the Chambers email box in Word or WordPerfect 9 (or above) format at the time
18 they file their proposed jury instructions.

19 6. The Court will send one or more copies of the instructions into the jury
20 room for the jury's use during deliberations. Therefore, in addition to the copies
21 described above, the Chambers email version must contain a "clean" set of jury
22 instructions, containing only the text of the instruction (one per page) with the
23 caption "Instruction No. ___" at the top (eliminating titles, supporting authority,
24 etc.).

25 7. Counsel must provide an index of all instructions submitted, which must
26 include the following:

- 27 a. The number of the instruction;
- 28 b. The title of the instruction;

c. the source of the instruction and any relevant case citations;

d. The page number of the instruction.

For example:

<u>Number</u>	<u>Title</u>	<u>Source</u>	<u>Page</u>
1	Preliminary Instruction	9th Cir. 15.0	7
	Trademark		

8. FAILURE TO FOLLOW THE PRECEDING PROVISIONS OF THIS SECTION WILL SUBJECT THE NON-COMPLYING PARTY AND/OR ATTORNEY TO SANCTIONS AND WILL BE DEEMED TO CONSTITUTE A WAIVER OF JURY TRIAL.

9. During the trial and before argument, the Court will meet with counsel and settle the instructions, and counsel will have an opportunity to make a further record concerning their objections.

10. At the time of lodging the proposed final pretrial conference order, counsel should file a jointly prepared one or two page statement of the case to be read by the Court to the prospective panel of jurors before commencement of voir dire.

11. The Court will conduct the voir dire. The Court provides a list of basic questions, and may provide a list of additional questions to jurors before voir dire. (This is not a questionnaire to be completed by jurors.) Counsel may, but are not required to, file and submit (electronically to the Chambers email box and in paper form) a list of proposed case-specific voir dire questions at the time they lodge the proposed final pretrial conference order.

12. In most cases the Court will conduct its initial voir dire of 14 prospective jurors who will be seated in the jury box. Generally the Court will select seven or eight jurors.

13. Each side will have three peremptory challenges. If fourteen jurors are seated in the box and all six peremptory challenges are exercised, the remaining

1 eight jurors will constitute the jury panel. If fewer than six peremptory challenges
2 are exercised, the eight jurors in the lowest numbered seats will be the jury. The
3 Court will not necessarily accept a stipulation to a challenge for cause. If one or
4 more challenges for cause are accepted, and all six peremptory challenges are
5 exercised, the Court may decide to proceed with six or seven jurors.

6 C. TRIAL EXHIBITS, ETC.

7 1. At least one week before trial, the parties must provide a case-specific
8 glossary for the court reporter that includes applicable medical, scientific, or
9 technical terms, slang, the names and spellings of case names likely to be cited,
10 street/city/country names, all parties/entities involved in the case, names of people
11 interviewed/deposed, names of family members, friends, or others who might be
12 mentioned, and other case-specific terminology.

13 2. Counsel shall provide the courtroom deputy clerk (CRD) with the
14 following:

15 a. The party's witness list, with a column to add the date on which
16 the witness testified, which shall be sent in Word or WordPerfect format to the
17 Chambers email box no later than noon on the Monday before trial;

18 b. The joint exhibit list in the form specified in Local Rule 16-5
19 (Civil), which shall be sent in Word or WordPerfect format to the Chambers email
20 box no later than noon on the Monday before trial;

21 c. All of the exhibits (except those to be used for impeachment only),
22 with official exhibit tags attached and bearing the same number shown on the
23 exhibit list. Exhibit tags may be obtained from the receptionist in the Public
24 Intake Section, located on the Main Street level of the courthouse at 312 North
25 Spring Street, Room G-19. Exhibits shall be numbered 1, 2, 3, etc., NOT 1.1, 1.2,
26 etc. The defense exhibit numbers shall not duplicate plaintiff's numbers. If a
27 "blow-up" is an enlargement of an existing exhibit, it shall be designated with the
28 number of the original exhibit followed by an "A." These items (and the items

1 listed in d and e below) shall be provided on the first day of trial;

2 d. A three-ring binder containing a copy of all exhibits that can be
3 reproduced, and a copy of the witness list. Each exhibit shall be tabbed with the
4 exhibit number for easy referral;

5 e. A three-ring binder containing a copy of all exhibits for use by
6 witnesses.

7 3. A copy of the exhibit list with all **admitted exhibits** will be given to the
8 jury during deliberations. Counsel shall review and approve the exhibit list with
9 the CRD before the list is given to the jury.

10 4. Where a significant number of exhibits will be admitted, the Court
11 encourages counsel, preferably by agreement, to consider ways in which
12 testimony about exhibits may be made intelligible to the jury while it is being
13 presented. Counsel should consider such devices as overhead projectors, jury
14 notebooks for admitted exhibits, or enlargements of important exhibits. The Court
15 has an Elmo and other equipment available for use during trial. Information
16 concerning training on the use of electronic equipment is available. Details are
17 posted on the Court's website. To make reservations for training, call 213-894-
18 3061. The Court does not permit exhibits to be "published" by passing them up
19 and down the jury box. Exhibits may be displayed briefly using the screens in the
20 courtroom, unless the process becomes too time-consuming.

21 5. All counsel are to meet not later than ten days before trial and to
22 stipulate, so far as is possible, to foundation, to waiver of the best evidence rule,
23 and to those exhibits that may be received into evidence at the start of the trial.
24 The exhibits to be so received will be noted on the Court's copy of the exhibit list.

25 6. Counsel shall not attempt to display or use any charts or enlargements of
26 exhibits unless all counsel have agreed to their use or objections have been heard
27 and a ruling has been made.

28 7. On the day of jury selection, trial will begin at 9:00 a.m. Counsel will

1 appear at 8:30 a.m. Thereafter, trial days are Tuesday through Friday, 8:00 a.m. to
2 2:00 p.m., with three fifteen-minute breaks during the session. When necessary,
3 trials may continue beyond the normal schedule. If counsel contemplate that this
4 schedule will be problematic due to the unavailability of witnesses, counsel should
5 provide details to the Court at the Status Conference.

6 8. On the day of jury selection, the Court reserves the time from 8:30 a.m.
7 to 9:00 a.m. to handle legal and administrative matters. Jury selection will
8 commence promptly at 9:00 a.m. or as soon as jurors are available. Thereafter,
9 legal and administrative matters shall be addressed between 7:45 a.m. and 8:00
10 a.m. All counsel are urged to anticipate matters that may need to be addressed
11 outside of the presence of the jury and to raise them during this period, during
12 breaks, or at the end of the day. The Court does not make jurors wait while
13 counsel discuss matters that should have been addressed previously. Counsel are
14 urged to consider any unusual substantive or evidentiary issues that may arise, and
15 to advise the Court of such issues. Short briefs addressing such disputed issues
16 are welcome.

17 9. Before trial begins, the Court will give counsel an opportunity to discuss
18 administrative matters and anticipated procedural or legal issues. Before trial
19 begins, and as soon as the information becomes available to counsel, counsel
20 should advise the court of any concerns or accommodations that are requested for
21 parties or witnesses. During trial, if there are any matters to be discussed outside
22 the presence of the jury, counsel shall advise the CRD of the request. The Court
23 discourages sidebars during trial.

24 10. All orders for transcripts must be ordered through the court reporter,
25 Pamela Batalo, who can be contacted through www.pamelabatalo.com.

26 27 IV

28 CONDUCT OF ATTORNEYS AND PARTIES

1
2 A. OPENING STATEMENTS, EXAMINING WITNESSES, AND
3 SUMMATION

4 1. Counsel must use the lectern for opening statements, examination of
5 witnesses, and summation.

6 2. Counsel must not consume time by writing out words, drawing charts or
7 diagrams, etc. Counsel may do so in advance and explain that the item was
8 prepared earlier as ordered by the Court to save time.

9 3. The Court will honor (and may establish) reasonable time estimates for
10 opening and closing arguments, examination of witnesses, etc.

11 B. OBJECTIONS TO QUESTIONS

12 1. Counsel must not use objections for the purpose of making a speech,
13 recapitulating testimony, or attempting to guide the witness.

14 2. When objecting, counsel must rise to state the objection and state only
15 that counsel objects and the legal ground of objection. If counsel wishes to argue
16 an objection further, counsel must ask for permission to do so.

17 C. GENERAL DECORUM

18 1. Counsel should not approach the CRD or the witness box without
19 specific permission. If permission is given, counsel should return to the lectern
20 when the purpose has been accomplished. Counsel should not question a witness
21 at the witness stand.

22 2. Counsel and parties should rise when addressing the Court, and when the
23 Court or the jury enters or leaves the courtroom.

24 3. Counsel should address all remarks to the Court. Counsel are not to
25 address the CRD, the court reporter, persons in the audience, or opposing counsel.
26 If counsel wish to speak with opposing counsel, counsel must ask permission to
27 do so. Any request for the re-reading of questions or answers shall be addressed
28 to the Court. Such requests should be limited. Requests may not be granted.

1 4. Counsel should not address or refer to witnesses or parties by first names
2 alone. Young witnesses (under 14) may, however, be addressed and referred to by
3 first names.

4 5. Counsel must not offer a stipulation unless counsel has conferred with
5 opposing counsel and has verified that the stipulation will be acceptable.

6 6. While Court is in session, counsel must not leave counsel table to confer
7 with any personnel or witnesses in the back of the courtroom unless permission
8 has been granted in advance.

9 7. Counsel should not by facial expression, nodding, or other conduct
10 exhibit any opinion, adverse or favorable, concerning any testimony being given
11 by a witness. Counsel should admonish counsel's own clients and witnesses to
12 avoid such conduct.

13 8. Counsel should not talk to jurors at all, and should not talk to co-
14 counsel, opposing counsel, witnesses or clients where the conversation can be
15 overheard by jurors. Each counsel should admonish counsel's own clients and
16 witnesses to avoid such conduct.

17 9. Where a party has more than one lawyer, only one may conduct the
18 direct or cross-examination of a particular witness, or make objections as to that
19 witness.

20 D. PROMPTNESS OF COUNSEL AND WITNESSES

21 1. The Court makes every effort to begin proceedings at the time set.
22 Promptness is expected from counsel and witnesses. Once counsel are engaged in
23 trial, this trial is counsel's first priority. The Court will not delay the trial or
24 inconvenience jurors except under extraordinary circumstances. The Court will
25 advise other courts that counsel are engaged in trial in this Court on request.

26 2. If a witness was on the stand at a recess, counsel must have the witness
27 back on the stand, ready to proceed, when the court session resumes.

28 3. If a witness was on the stand at adjournment, counsel must have the

1 witness adjacent to, but not on the stand, ready to proceed when the court session
2 resumes.

3 4. Counsel must notify the CRD in advance if any witness should be
4 accommodated based on a disability or for other reasons.

5 5. No presenting party may be without witnesses. If counsel has no more
6 witnesses to call and there is more than a brief delay, the Court may deem that
7 party to have rested.

8 6. The Court attempts to cooperate with professional witnesses and will,
9 except in extraordinary circumstances, accommodate them by permitting them to
10 be called out of sequence. Counsel must anticipate any such possibility and
11 discuss it with opposing counsel. If there is an objection, counsel must confer
12 with the Court in advance.

13 E. EXHIBITS

14 1. Each counsel should keep counsel's own list of exhibits and should note
15 when each has been admitted into evidence.

16 2. Each counsel is responsible for any exhibits that counsel secures from
17 the CRD and must return them before leaving the courtroom at the end of the
18 session.

19 3. An exhibit not previously marked should, at the time of its first mention,
20 be accompanied by a request that the CRD mark it for identification. To save
21 time, counsel must show a new exhibit to opposing counsel before it is mentioned
22 in Court.

23 4. Counsel are to advise the CRD of any agreements they have with respect
24 to the proposed exhibits and as to those exhibits that may be received so that no
25 further motion to admit need be made.

26 5. When referring to an exhibit, counsel should refer to its exhibit number
27 whenever possible. Witnesses should be asked to do the same.

28 6. Counsel must not ask witnesses to draw charts or diagrams nor ask the

1 Court's permission for a witness to do so. If counsel wishes to question a witness
2 in connection with graphic aids, the material must be fully prepared before the
3 court session starts.

4 F. DEPOSITIONS

5 1. All depositions to be used at trial, either as evidence or for impeachment,
6 must be lodged with the CRD on the first day of trial or such earlier date as the
7 Court may order. Counsel should verify with the CRD that the relevant deposition
8 is in the CRD's possession.

9 2. In using depositions of an adverse party for impeachment, either one of
10 the following procedures may be adopted:

11 a. If counsel wishes to read the questions and answers as alleged
12 impeachment and ask the witness no further questions on that subject, counsel
13 shall first state the page and line where the reading begins and the page and line
14 where the reading ends, and allow time for any objection. Counsel may then read
15 the portions of the deposition into the record.

16 b. If counsel wishes to ask the witness further questions on the
17 subject matter, the deposition is placed in front of the witness and the witness is
18 told to read silently the pages and lines involved. Then counsel may either ask the
19 witness further questions on the matter and thereafter read the quotations, or read
20 the quotations and thereafter ask further questions. Counsel should have an extra
21 copy of the deposition for this purpose.

22 3. Where a witness is absent and the witness's testimony is offered by
23 deposition, counsel may (a) have a reader occupy the witness chair and read the
24 testimony of the witness while the examining lawyer asks the questions, or (b)
25 have counsel read both the questions and answers.

26 G. USING NUMEROUS ANSWERS TO INTERROGATORIES AND
27 REQUESTS FOR ADMISSIONS

28 Whenever counsel expects to offer a group of answers to interrogatories or

1 requests for admissions extracted from one or more lengthy documents, counsel
2 should prepare a new document listing each question and answer, and identifying
3 the document from which it has been extracted. Copies of this new document
4 should be given to the Court and opposing counsel. This procedure is intended to
5 save time.

6 H. ADVANCE NOTICE OF UNUSUAL OR DIFFICULT ISSUES

7 If any counsel has reason to anticipate that a difficult question of law or
8 evidence will necessitate legal argument requiring research or briefing, counsel
9 must give the Court advance notice. Counsel are directed to notify the CRD at the
10 day's adjournment if an unexpected legal issue arises that could not have been
11 foreseen and addressed by a motion *in limine*. See Fed. R. Evid. 103. Counsel
12 must also advise the CRD at the end of each trial day of any issues that must be
13 addressed outside the presence of the jury, so that there is no interruption of the
14 trial. THE COURT WILL NOT KEEP JURORS WAITING.

15
16
17 ***N.B. "COUNSEL," AS USED IN THIS ORDER, INCLUDES PARTIES***
18 ***APPEARING IN PROPRIA PERSONA.***

19
20 IT IS SO ORDERED.

21
22
23 DATED: 1/24/13



24 _____ Dale S. Fischer
25 United States District Judge
26
27
28

FINAL JOINT TRIAL WITNESS ESTIMATE FORM

CASE: _____

TRIAL DATE: _____

	WITNESS NAME	PARTY CALLING WITNESS AND ESTIMATE	X-EXAMINER'S ESTIMATE	DESCRIPTION OF TESTIMONY	COMMENTS
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
	TOTAL ESTIMATES THIS PAGE:				

Instructions:

(1) List witnesses (last name first); (2) For description, be extremely brief, e.g., "eyewitness to accident" or "expert on standard of care;" (3) Use estimates within fractions of an hour, rounded off to closest quarter of an hour, e.g., if you estimate 20 minutes, make it .25. An estimate of one and one-half hours would be 1.5. An estimate of three-quarters of an hour would be .75; (4) Note special factors in "Comments" column, e.g., "Needs interpreter;" (5) Entries may be in handwriting if very neat and legible.